

WINDELS MARX LANE & MITTENDORF, LLP

156 West 56th Street
New York, New York 10019
Tel: (212) 237-1000
Fax: (212) 262-1215

*Special Counsel for Irving H. Picard, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant,

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation
(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard
L. Madoff,

Plaintiff,

v.

ROYAL BANK OF CANADA; GUERNROY
LIMITED; ROYAL BANK OF CANADA
(CHANNEL ISLANDS) LIMITED; ROYAL BANK
OF CANADA TRUST COMPANY (JERSEY)
LIMITED; ROYAL BANK OF CANADA (ASIA)
LIMITED; ROYAL BANK OF CANADA (SUISSE)
S.A.; RBC DOMINION SECURITIES INC.; and
RBC ALTERNATIVE ASSETS, L.P.;

Defendants.

Adv. Pro. No. 12-01699 (SMB)

**DECLARATION OF KIM M. LONGO IN SUPPORT OF
TRUSTEE'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

I, Kim M. Longo, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the New York Bar and a Partner at Windels Marx Lane & Mittendorf, LLP, special counsel for plaintiff Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff.

2. As an attorney of record in these proceedings, I am fully familiar with the facts set forth herein based either upon my own personal knowledge or upon information conveyed to me.

3. I make this declaration to provide relevant information in connection with the Trustee’s Motion for Leave to File Amended Complaint (the “Motion”).

4. Attached hereto as **Exhibit A** is the Trustee’s proposed Amended Complaint (“PAC”) for review by the Court. The PAC alleges additional facts regarding the subsequent transfers sought to be recovered, as further discussed in the accompanying Memorandum of Law in Support of Trustee’s Motion for Leave to File Amended Complaint.

5. Attached hereto as **Exhibit B** is the Trustee’s Second Amended Complaint in the adversary proceeding *Picard v. Fairfield Investment Fund Limited, et al. (In re BLMIS)*, Adv. Pro. No. 09-01239, ECF No. 286 (Bankr. S.D.N.Y. Aug. 28, 2020), which is incorporated by reference in the Trustee’s Motion and PAC.

6. Attached hereto as **Exhibit C** is the Trustee’s Complaint in the adversary proceeding *Picard v. Tremont Group Holdings, Inc., et al. (In re BLMIS)*, Adv. Pro. No. 10-05310, ECF No. 1 (Bankr. S.D.N.Y. Dec. 7, 2010), which is incorporated by reference in the Trustee’s Motion and PAC.

7. Attached hereto as **Exhibit D** is the Trustee's Proposed Order in connection with the Motion.

8. No prior application or motion for similar relief has been made to this or any other court.

I hereby declare under penalty of perjury that the foregoing statements made by me are true and correct.

Executed on the 10th day of November, 2020, at New York, New York.

/s/ Kim M. Longo

Kim M. Longo